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OGC 65-3023

13 OCT 1965

MEMORANDUM FOR: Director of Personnel

SUBJECT: Domestic Qualifying Service

1. Pursuant to the request of [redacted] I have reviewed our files searching for record material on the Agency's discussions with members of the House Rules Committee on the question of qualifying service other than overseas. Unfortunately, I find that we have no detailed Memorandum for the Record of these discussions. In view of the importance of the question, I shall attempt to furnish you the background.

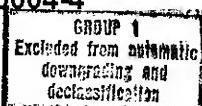
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2. Under House procedures, after a committee has favorably reported a piece of legislation, the Chairman of that committee is required to appear before the Rules Committee of the House in support of a resolution to permit the proposed legislation to be brought to the floor for debate. On 9 October 1963 Mr. Rivers appeared before the Rules Committee discussing the proposed Early Retirement bill and urged the Rules Committee to report favorably a resolution to permit floor action. At that time several members commented on the absence in the proposed bill of any statutory criteria, however general, as to what employees of CIA would be brought into the system. Mr. Rivers assured the Rules Committee that some language could be worked out. Mr. Rivers then requested that I meet with Representative Katharine St. George to work out some appropriate language.

3. On 10 October 1963 General Carter and I met with Mrs. Katharine St. George, and after considerable discussion language was proposed which subsequently became the first sentence of Section 203 as follows:

The Director may designate from time to time such Agency officers and employees whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) so specialized because of security

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requirements as to be clearly distinguishable from normal government employment, hereafter referred to as participants, who shall be entitled to the benefits of the system.

Mr. Rivers the previous day had stated to Mrs. St. George that he was sure some words could be put in to refer to hazardous duty. In the meeting of the 10th with Mrs. St. George, we explained very carefully that we did not want statutory criteria limiting us to hazardous duty or to overseas duty. We explained to her that there would be situations where purely domestic service would in our opinion fit into the concept of qualifying service, as we had explained it to the House Subcommittee considering the legislation. We discussed two types of cases:

- a. Where actual duties were so unique that they could not be adequately described to a prospective employer and where the skills were not readily marketable, and
- b. Situations where individuals because of security considerations involving cover within the United States rendered the individual's services and his personal life unlike normal Government employment.

Mrs. St. George accepted our argumentation and then cleared the proposed language by telephone with Mr. Delaney, another member of the Rules Committee (apparently these two had been delegated by Chairman Smith to act for the Rules Committee in this regard). At this meeting on 10 October 1963 there was also present Russell Blandford, Counsel of the House Armed Services Committee, who was there acting for Mr. Rivers.

4. In accordance with the gentleman's agreement between Mr. Rivers and the Rules Committee, a rule was favorably reported subject to Mr. Rivers' introducing this amendment. Thereafter on 30 October 1963 on the floor of the House Mr. Rivers offered the amendment as had been agreed to by Mrs. St. George. Just prior

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to the amendment being offered by Mr. Rivers. Mrs. St. George spoke for the favorably reported resolution to permit floor debate and commented on the amendment which would be offered. Unfortunately, she stated that this amendment would "make a differential between people who are performing simply ordinary duty in CIA and those who are indeed on hazardous occupations." This statement is obviously incomplete in line with the actual discussions with her, and in fact is not fully consistent with the wording of the amendment.

5. I also refer you to the report of the Senate Armed Services Committee of 21 September 1964 where at Page 9 it discusses participants. It points out that in order to be designated as a participant the employee must meet one of the two statutory criteria which are included in Section 203 quoted above. The Senate report then continues: "It is contemplated that the overwhelming portion of participants in this system will be involved in duties outside the United States." Unfortunately, we have no formal record of our discussions of this very point before the Senate Committee. Nevertheless, extended discussions were held on the point, and the language of the report clearly reflects that it was understood that qualifying service in certain circumstances could include domestic service.

6. The above is not an exhaustive review of domestic qualifying service, but possibly it will shed new light. Please let me know if we can provide any additional information.

S/ John S. Warner

JOHN S. WARNER
Legislative Counsel

cc: C/RI

OGC/LC:JSW:bkb

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